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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,823	09/30/2003	Joerg Meyer	Q76760	2199
23373 7590 04/23/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
HAN, QI				
ART UNIT		PAPER NUMBER		
2626				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/673,823

**Applicant(s)**

MEYER, JOERG

**Examiner**

QI HAN

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

***Response to Amendment***

3. This communication is responsive to the applicant's amendment and RCE both filed on 02/19/2008. The applicant(s) amended claims 1, 8, and 19 (see the amendment: pages 2-5).

***Response to Arguments***

Applicant's arguments filed on 02/19/2008 with respect to the claim rejection under 35 USC 103, have been fully considered but are moot in view of the new ground(s) of rejection. It is noted that the previous cited references are still applicable to the amended claims with new ground, which may include different teachings and/or claim interpretations (see below). It is also noted that, the response to the applicant's arguments is directed to the claim rejection (see below) and

the previous office actions (see details on pages 3-5 of the final actions filed on 08/20/2007 and the advisory action filed on 02/04/2008).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 8, the limitation of “determining format for the parameters of the entered instructions based on said correlating” introduce new subject matter, which is not specifically described in the original specification (see the closet disclosure in the specification: paragraphs 29-30).

Regarding claims 2-7 and 9-19, the rejection is based on the same reason described for claims 1 and 8, because the dependent claims includes the same or similar problematic limitations as their parent claim.

***Claim Rejections - 35 USC § 103***

5. Claims 1-2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over KIST et al. (US 6871179 B1) hereinafter referenced as KIST in view of MORGAN et al. (US 6937984 B1) hereinafter referenced as MORGAN.

As per **claim 1**, KIST discloses ‘method and apparatus for executing voice commands having dictation as a parameter’ (title), comprising:

“entering the function of the instruction as a verbal input via the voice recognition system” (col. 2, lines 56-63, ‘receiving (entering) a user input corresponding to the spoken utterance (verbal input)’, ‘this input is processed to identify a pattern of word formatting the spoken utterance which matches a predetermined command pattern (function)’);

Even though KIST discloses that his system/method includes ‘user input by ...keyboard (i.e. manual input), KIST does not expressly disclose “**acknowledging** the verbal input of the function of the instruction via the manual input”. However, this feature is well known in the art as evidenced by MORGAN who, in the same field of endeavor, discloses ‘speech command input recognition system for interactive computer display with speech controlled display of recognized commands’ (title), teaching that ‘most current voice (speech) recognition systems provide some form of visual feedback which permits the user to confirm (acknowledge) that the computer understands his speech utterances’ and ‘at some stage, the **interactive user** is required to make some **manual input**’ (col. 2, lines 21-32); providing ‘visual feedback’ in a ‘voice recognition system’ for ‘confirming the recognition of command’ (col. 2, lines 40-46); ‘a user is capable of inputting visual information to the system through the **keyboard** or mouse (manual input) **in addition to speech input**’ (col. 4, lines 22-23); and ‘the visual feedback of displayed

commands' (col. 4, lines 47-64), which suggests that the system has capability of interactively using spoken and/or manual input for entering command (function) and the corresponding parameter(s) as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify KIST by providing some manual input, such as confirmation or acknowledgement, at some stage of user interaction with recognized speech system, as taught by MORGAN, so as to interactively use spoken and/or manual input for entering command (function) and/or the corresponding parameter(s), for the purpose (motivation) of handling possible recognition errors and/or confirming the accuracy of spoken commands (MORGAN: col. 2, lines 17-18 and 40-41).

KIST in view of MORGAN further discloses:

"after the acknowledging of the entered function of the instruction, correlating the entered function of the instruction with a stored set of instructions" (KIST: col. 2, lines 56-67 and col. 3, lines 13-17, 'identify (correlate) a pattern (entered function of the instruction) of in the spoken utterance to match any one of a plurality of the pre-determined command patterns (a stored set of instructions)');

"determining format for the parameters of the entered instructions based on said correlating" (KIST: col. 2, lines 56-67, 'the one or more parameters are extracted (determined) form word contained in a dictation portion of the voice command' ); and

"after said acknowledging, entering the parameters of the instruction as a further verbal input via the voice recognition system" (KIST col. 2, lines 65-68, 'the one or more parameters are extracted from words contained in a dictation portion of the voice command which are distinct from the pattern of words matching the command pattern'; col. 6, lines 58-65).

In addition, one of ordinary skill in the art would also recognize that the combined system could readily implement inputting instructions by automatic speech recognition, mutual input, and/or combination of the two, as claimed, because the combined references disclose inputting instructions with parameters by both speech recognition and manual input/confirmation (such as by using keyboard), and the result of the different input methods would be predictable.

As per **claim 2** (depending on claim 1), the rejection is based on the same reason described for claim 1, because the rejection for claim 1 covers the same or similar limitation(s) as claim 2.

As per **claim 8**, it recites computer system. The rejection is based on the same reason described for claim 1, because the claim recites the same or similar limitation(s) as claim 1, except the limitation “a computer; a display screen connected to the computer to display information, a microphone connected to the computer, and a manual input provided at least in a vicinity of the display screen and connected to the computer”. However, these features are further disclosed by KIST (Fig. 1, blocks 10, 26, 22, 18 and 20).

6. Claims 3-5, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over KIST in view of MORGAN as applied to claim 1, and further in view of CHAVES (US 6510414 B1).

As per **claim 3** (depending on claim 2), even though KIST in view of MORGAN discloses that ‘the parameter’ from ‘the spoken utterances’ is ‘separate from the pattern of words matching the command pattern’ (KIST: abstract), and providing ‘manual input’ for confirming (acknowledging) (MORGAN: see claim 1), KIST in view of MORGAN does not expressly

disclose “separate function and parameter keys... to acknowledge the verbal input... respectively”. However, the feature of a function key associated with certain data entry is well known in the art as evidenced by CHAVES who, in the same field of endeavor, discloses ‘speech recognition assisted data entry system and method’ (title), teaching that ‘speech recognition system may highlight the (recognizable) characters corresponding to a specific data entry field’, ‘a function key may be associated with a particular data entry field of data entry application’ in a speech recognition system (col. 5, lines 51-56); and providing activating/deactivating speech recognition and providing functionality of ‘edit characters input into data entry application (manual input)’(Fig. 3, locks 124-130). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that additional function key(s) is/are available on a computer keyboard for entering different input information and/or triggering some event (such as inputting data and/or activating/deactivating mode), and to modify KIST in view of MORGAN by providing a function key associated with a particular data entry field, as taught by CHAVES, for the purpose (motivation) of increasing accuracy and flexibility for a speech recognition assisted data entry system (CHAVES: col. 1, lines 67 to col. 2, line 4).

In addition, one of ordinary skill in the art would have recognized that **typing** a textual instruction (or command) would require to enter “space” key or “enter” key for separating a command (function) and its parameters, and when **speaking** the same instruction, the speech recognition mechanism would automatically and inherently recognize the separations between spoken command word(s) and its parameter words too, for performing normal operation.



As per **claim 4** (depending on claim 3), the rejection is based on the same reason described for claim 3, because the rejection for claim 3 covers the same or similar limitation(s) as claim 4, wherein it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that additional function key(s) is/are available on computer keyboard and used for entering different information, as state above, including acknowledging multiple parameters.

As per **claim 5** (depending on claim 3), the rejection is based on the same reason described for claim 3, because the rejection for claim 3 covers the same or similar limitation(s) as claim 3, wherein it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that a specific key (parameter key), such as “space” key, “enter” key or different function keys can be used multiple times or separately for different parameters.

As per **claim 16** (depending on claim 1), the rejection is based on the same reason used for claim 5, because it also reads on the limitation(s) of claim 16.

As per **claim 19** (depending on claim 1), the rejection is based on the same reason used for claims 3 and 5, because the rejection of claims 3 and 5 includes the same or similar limitations as claim 19. In addition, ‘executing a voice command in the form of a spoken utterance having a dictation portion’ and/or ‘perform an event in accordance with the one or more parameters’ disclosed by KIST (col. 3, lines 25-40) is broadly read on the claimed “executing the entered function of the instructions along with the entered parameters.”

7. Claims 6-7, 9-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over KIST in view of MORGAN as applied to claims 1 and 8, and further in view of L'ESPERANCE (US 2002/0055844 A1) hereinafter referenced as L'ESPERANCE.

As per **claim 6** (depending on claim 1), KIST in view of MORGAN does not expressly disclose “an operator screen is provided that overlays keys for the manual input utilizing a software program”. However, the feature of a function key associated with a particular data entry field is well known in the art as evidenced by L'ESPERANCE who, in the same field of endeavor, discloses ‘speech user interface for portable personal devices’ (title), comprising ‘PDA (personal digital assistant)’ including ‘automatic speech recognition module to provide dynamic response and feedback to the user’s commands’ and ‘support visual display of any spoken information’ (paragraph (hereinafter referenced as p)14); providing ‘touch screen’ (p55-59); ‘interface display (operator screen)’ including options of ‘speech preferences menu’, ‘entries may be done with a virtual keyboard using a stylus’ (p67); which necessarily and/or inherently includes overlaying keys and using software program as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify KIST in view of MORGAN by providing touch screen including virtual keyboard (including overlaying keys) for entering information, as taught by L'ESPERANCE, for the purpose (motivation) of supporting visual display of any spoken information (L'ESPERANCE: p14).

As per **claim 7** (depending on claim 1), the rejection is based on the same reason described for claim 6, because the rejection for claim 6 covers the same or similar limitation(s) as claim 7, wherein combined teachings with ‘the visual feedback of displayed commands’ (MORGAN: col. 4, lines 47-64) can be read on the claim.

As per **claim 9** (depending on claim 8), the rejection is based on the same reason described for claim 6, because the rejection for claim 6 covers the same or similar limitation(s) as claim 9, wherein 'microphone module' in the PDA disclosed by L'ESPERANCE (Figs. 1-2) can be read on the claim.

As per **claim 10** (depending on claim 8), the rejection is based on the same reason described for claim 6, because the rejection for claim 6 covers the same or similar limitation(s) as claim 9, wherein 'virtual keyboard using a stylus' on 'the user interface display' disclosed by L'ESPERANCE (p67) is read on the claimed "pressure sensitive foil applied to the display screen".

As per **claim 11** (depending on claim 8), the rejection is based on the same reason described for claim 6, because the rejection for claim 6 covers the same or similar limitation(s) as claim 9, wherein 'PDA' disclosed by L'ESPERANCE can be read on the claimed "a manually operable mobile input unit".

As per **claim 15** (depending on claim 11), the rejection is based on the same reason described for claim 9, because the claim recites the same or similar limitation(s) as claim 9.

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over KIST in view of MORGAN and L'ESPERANCE as applied to claim 11, and further in view of WOODWARD (US 2002/0123893 A1).

As per **claim 12** (depending on claim 11), KIST in view of MORGAN and L'ESPERANCE does not expressly disclose "the mobile input unit is coupled with the computer via a cable". However, the feature is well known in the art as evidenced by WOODWARD who,

in the same field of endeavor, discloses ‘processing speech recognition errors in an embedded speech recognition system’ (title), comprising ‘the embedded speech recognition system (PDA or palm computer—corresponding to the mobile input unit) and the remote training system (corresponding to the computer) through communication link’ including ‘wireless or wireline technologies...such as infrared...Bluetooth,...direct cable’ (Fig. 1 and p20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify KIST in view of MORGAN and L'ESPERANCE by providing communication to a computer system through wireless or wireline, such as infrared or cable, as taught by WOODWARD, for the purpose (motivation) of processing and correcting speech misrecognitions by using suitable communications system (WOODWARD: abstract and p20).

As per **claim 13** (depending on claim 11), the rejection is based on the same reason described for claim 12, because the rejection for claim 12 covers the same or similar limitation(s) as claim 13.

As per **claim 14** (depending on claim 13), the rejection is based on the same reason described for claim 12, because the rejection for claim 12 covers the same or similar limitation(s) as claim 14.

9. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over KIST in view of MORGAN as applied to claim 1, and further in view of DORI (US 7,099,809 B2).

As per **claim 17** (depending on claim 1), even though KIST in view of MORGAN discloses that “the function of the instruction is a command” (see above), KIST in view of MORGAN does not expressly disclose the command “for creating or editing a portion of an

electric analog circuit diagram". However, the similar feature is well known in the art as evidenced by DORI who discloses 'modeling system' (title) for variety of applications (abstract), comprising 'the received input' and 'the textual description' generated 'as a real-time response to user input manipulating, adding, or deleting (editing) graphic elements (include diagram)', 'using generated text to automatically generate software instructions (program) to implement the model or to provide a visual simulation of a modeled system', 'to receive a textural description of a model...generate (create) a model diagram' (col. 1, line 5 to col. 2, line 40), and that 'user can enter text into the script window by typing, using speech recognition...' (col. 3, lines 28-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that textural instruction (command) recognized from speech command would be executed/operated in the same way as typed textural instruction does for whatever an application is required, and to modify KIST in view of MORGAN by providing instruction (command) for generating (create) related diagram(s) or editing graphic elements for variety of applications, as taught by DORI, for the purpose (motivation) of generating textual description of a graphic model and/or offering the techniques of generating graphic model (including diagram) in a wide variety of applications (DORI: abstract), wherein the applications would include the claimed functionality because in light of the disclosure of the specification, the claimed feature is nothing more than generating textual instruction(s) in the same way as typing textual instruction(s) for whatever the corresponding application is required.

As per **claim 18** (depending on claim 1), the rejection is based on the same reason used for claim 17, because it also reads on the limitation(s) of claim 18.

Art Unit: 2626

***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richmond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh  
April 4, 2008  
/Qi Han/  
Examiner, Art Unit 2626